

NOTICE OF INTENT

Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.5901 (Log # AQ170*).

This proposed rule is identical to a federal law or regulation, 63 FR 639-645, January 6, 1998, which is applicable in Louisiana. For more information regarding the federal requirement, you may contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the proposed rule. Therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4). This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S. 49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

The proposed rule will amend the Chemical Accident Prevention rule to include the recently adopted changes to the Environmental Protection Agency's Risk Management rule (40 CFR part 68). These changes finalize the "stay provisions" that were part of the rule and expired on December 22, 1997. These changes include deleting the category of Division 1.1 explosives (as listed by DOT) from the list of regulated substances; exempting from threshold quantity determinations the regulated flammable substances in gasoline used as fuel and in naturally occurring hydrocarbon mixtures prior to entry into a natural gas processing plant or a petroleum refining process unit; clarifying the provision for threshold determination of flammable substances in a mixture; modifying to clarify the definition of stationary source to exempt transportation and storage incident to transportation; clarifying that naturally occurring hydrocarbon reservoirs are not stationary sources or parts of stationary sources; and clarifying that the chemical accident prevention provisions do not apply to sources located on the Outer Continental Shelf. This rule is needed because without it facilities that were previously exempt under provisions of the Stay in 40 CFR part 68 are subject to LAC 33:III.Chapter 59. The basis and rationale of this rule is to make the department's Chemical Accident Prevention rule consistent with the EPA Risk Management rule.

A public hearing will be held on March 30, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ170*. Such comments must be received no later than March 30, 1998, at 4:30 p.m., and should be sent to Patsy Deaville,

Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504)765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ170*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen
Assistant Secretary

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

Chapter 59. Chemical Accident Prevention and Minimization of Consequences

Subchapter A. General Provisions

§5901. Incorporation by Reference of Federal Regulations

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR Part 68 (July 1, 1995~~7~~), and as amended in ~~61 FR 31668-31730 (June 20, 1996)~~ and in ~~61 FR 31730-31732 (June 20, 1996)~~ 63 FR 639-645 (January 6, 1998).

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[See Prior Text in B-C.5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1124 (November 1996), repromulgated LR 22:1212 (December 1996), amended LR